

COHEN & GREEN

February 26, 2023

Hon. Ona T. Wang
United States District Court, Southern District of New York
Daniel Patrick Moynihan Courthouse, 500 Pearl Street
New York, New York 10007

By Electronic Filing.

Re: Case No. 22-cv-01445, Rodney v City of New York, et al.

Dear Judge Wang:

As the Court likely recalls, my firm, with co-counsel, represents Plaintiff in the case above. As directed by the Court (Dkt. No. 43), I write jointly with counsel for Defendants to provide a monthly status report. Essentially, nothing has changed since the last status report.

The parties have exchanged discovery requests and responses, limited to “phase 1” discovery, pending Defendants’ motion to dismiss. The parties have also conferred on Defendants’ responses to Plaintiff’s requests to admit, and Defendants will provide their final responses and confirm any impasses by March 3. Plaintiff will make any motion shortly thereafter. For her part, Plaintiff has yet to produce one outstanding set of documents arguably in her “control,” specifically concerning lost wages, that she is still working to obtain copies of (that is, they are documents she must request from a third party), and the parties have agreed that she may serve them by March 15.

As far as settlement is concerned, as noted in the three previous letters, the Court held a preliminary, confidential settlement discussion on November 3, and Plaintiff served a formal demand that evening. Nothing further has taken place, and the parties believe a further conference would be premature at this time.

Finally, as far as the motion to dismiss, the motion is fully briefed, and Plaintiff has requested oral argument (with a request to allow a law student to argue a major portion of the motion) as noted at Dkt. No. 65. Plaintiff has also filed a motion to supplement the record on the motion to dismiss, as Defendants’ admissions have removed one of Defendants’ major factual contentions on the motion from dispute. Dkt. No. 69. That motion is unopposed. If the Court does not require oral argument, the motion is fully submitted – and if it elects to have oral argument, the motion will be fully submitted thereafter.

As always, we thank the Court for its time and consideration.

Respectfully submitted,

/s/



J. Remy Green

Honorific/Pronouns: Mx., they/their/them

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cc:

All relevant parties by electronic filing.